

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NADIM KHOURI KLINK, an individual,)
and PC DESIGN SARL, a foreign business)
entity,)

Plaintiff,)

vs.)

M&H PERFUMES, INC., A New)
York corporation, d/b/a M & H)
PERFUMES d/b/a SHALIMAR)
PERFUMES, INC.; **N. TILANI**)
FRAGRANCES, INC., a New York)
Corporation, d/b/a N. TILANI)
FRAGRANCE; **AKB PERFUME, INC.**,)
a New York corporation, d/b/a AKB)
PERFUME d/b/a TOP QUALITY)
PRODUCTS; **TOP QUALITY**)
PRODUCTS, INC., a New York)
corporation, d/b/a TOP QUALITY)
PRODUCTS d/b/a AKB PERFUME;)
METRO PERFUME, INC., a New York)
Corporation, d/b/a METRO PERFUME;)
ORKAY ENTERPRISES, INC., a New)
York corporation, d/b/a ORKAY)
ENTERPRISES; **G.N. PERFUMES, INC.**,)
a New York corporation d/b/a G.N.)
PERFUMES; **TK PERFUMES, INC.**, a)
New York corporation, d/b/a TK)
PERFUMES and DOES 1-10,)

Defendants.)

CASE NO.

08 CV 4243
Filed Under Seal

**DECLARATION OF EDDY MAAZ IN SUPPORT OF PLAINTIFFS' EMERGENCY EX
PARTE APPLICATION FOR: (A) TEMPORARY RESTRAINING ORDER AND
SEIZURE ORDER; (B) ORDER TO SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE; (C) SUBSTITUTE CUSTODIAN ORDER; (D)
EXPEDITED DISCOVERY; AND
(E) AN ORDER TEMPORARILY SEALING THE COURT FILE**

B.M.

1. My name is Eddy Maaz, and I am employed by PC Design SARL. I am fully familiar with most aspects of the manufacture, sale, and distribution of genuine CUBA fragrance products and am able to identify the distinctions between a genuine CUBA fragrance product and counterfeit copies of the same.

2. I am over 18 years of age and the statements set forth herein are made of my own personal knowledge.

3. In December, 2007, PC Design began investigating the sale of counterfeit products bearing the CUBA Marks in New York by the Defendants M&H Perfumes, Inc., a New York corporation, d/b/a M&H Perfumes d/b/a Shalimar Perfumes, Inc. ("M&H Perfume"); N. Tilani Fragrances Inc., a New York corporation d/b/a N. Tilani Fragrances ("N. Tilani Fragrance"); AKB Perfume, Inc., a New York Corporation, d/b/a AKB Perfume d/b/a Top Quality Products ("AKB Perfume"), and Top Quality Products Inc., a New York corporation, d/b/a Top Quality Products d/b/a AKB Perfume, (collectively the "AKB/Top Quality Defendants"); Metro Perfume, Inc., a New York corporation, d/b/a Metro Perfume ("Metro Perfume"); Orkay Enterprises, Inc., a New York corporation, d/b/a Orkay Enterprises ("Orkay Enterprise Defendants"); G.N. Perfumes, Inc., a New York corporation d/b/a G.N. Perfumes ("G.N. Perfume"); and TK Perfumes, Inc., a New York corporation, d/b/a TK Perfumes ("TK Perfume").

4. On or about December 11, 2007, I visited the business location of M&H Perfume located at 1214 Broadway, New York, New York 10001 with PC Design investigator, Christopher Kirkland of CK Investigations, Inc. Upon entering the M&H Perfume location, we were greeted by an unidentified male employee, and I inquired about purchasing CUBA fragrance products. The employee advised that M&H Perfume did have the CUBA fragrance

B.M.

product in stock, and retrieved a bottle for purchase. I purchased one large bottle of the CUBA fragrance product from M&H Perfume for a total purchase price of \$5.00. A true and correct photograph of the CUBA fragrance product I purchased from M & H Perfume is attached hereto as Exhibit "1."

5. On or about December 11, 2007, I traveled to the Orkay Enterprise location at 1232 Broadway, New York, New York 10001, with Kirkland. Upon entering the Orkay Enterprise location, I was greeted by an unidentified female employee, and I inquired about purchasing CUBA fragrance products. I purchased one large bottle of the CUBA fragrance product from Orkay Enterprise for a total purchase price of \$5.00. A true and correct photograph of the CUBA fragrance product I purchased from Orkay Enterprise is attached hereto as Exhibit "2."

6. Prior to exiting Orkay Enterprise, I obtained an Orkay Enterprises, Inc. business card. The card identified the business address as 1232 Broadway, Store #9 (Between 30th and 31st Sts.), New York, New York 10001 with the telephone numbers identified as (212) 684-8223 and (212) 481-2734, and the facsimile number as (212) 594-4301. The business card listed the name "Steve Asnani" as President on the front right-hand corner of the card. A true and correct copy of the business card I obtained from Orkay Enterprise's business location is attached hereto as Exhibit "3."

7. On or about December 11, 2007, I traveled to TK Perfume located at 1226 Broadway, New York, New York 10001. I purchased two small bottles of the Cuba fragrance product from TK Perfume for a total purchase price of \$5.00. A true and correct photograph of the CUBA fragrance products I purchased from TK Perfume is attached hereto as Exhibit "4."

E.M.

8. On or about December 16, 2007, I traveled to G.N. Perfume located at 1185 Broadway, New York, New York 10001. Upon entering the G.N. Perfume location, I was greeted by an unidentified male employee, and I inquired about purchasing CUBA fragrance products. The employee advised that G.N. Perfume did have the CUBA fragrance product in stock and retrieved a bottle for purchase. I purchased one small bottle and one large bottle of the CUBA fragrance product from G.N. Perfume for a total purchase price of \$7.50. A true and correct photograph of the CUBA fragrance products I purchased from G.N. Perfume is attached hereto as Exhibit "5."

9. Neither PC Design's investigation of the Defendants, nor the fact that PC Design is seeking a temporary restraining order and seizure order has been made public by myself nor any employee or representative of PC Design.

I DECLARE the foregoing statements to be true and correct under penalty of perjury under the laws of the United States of America.

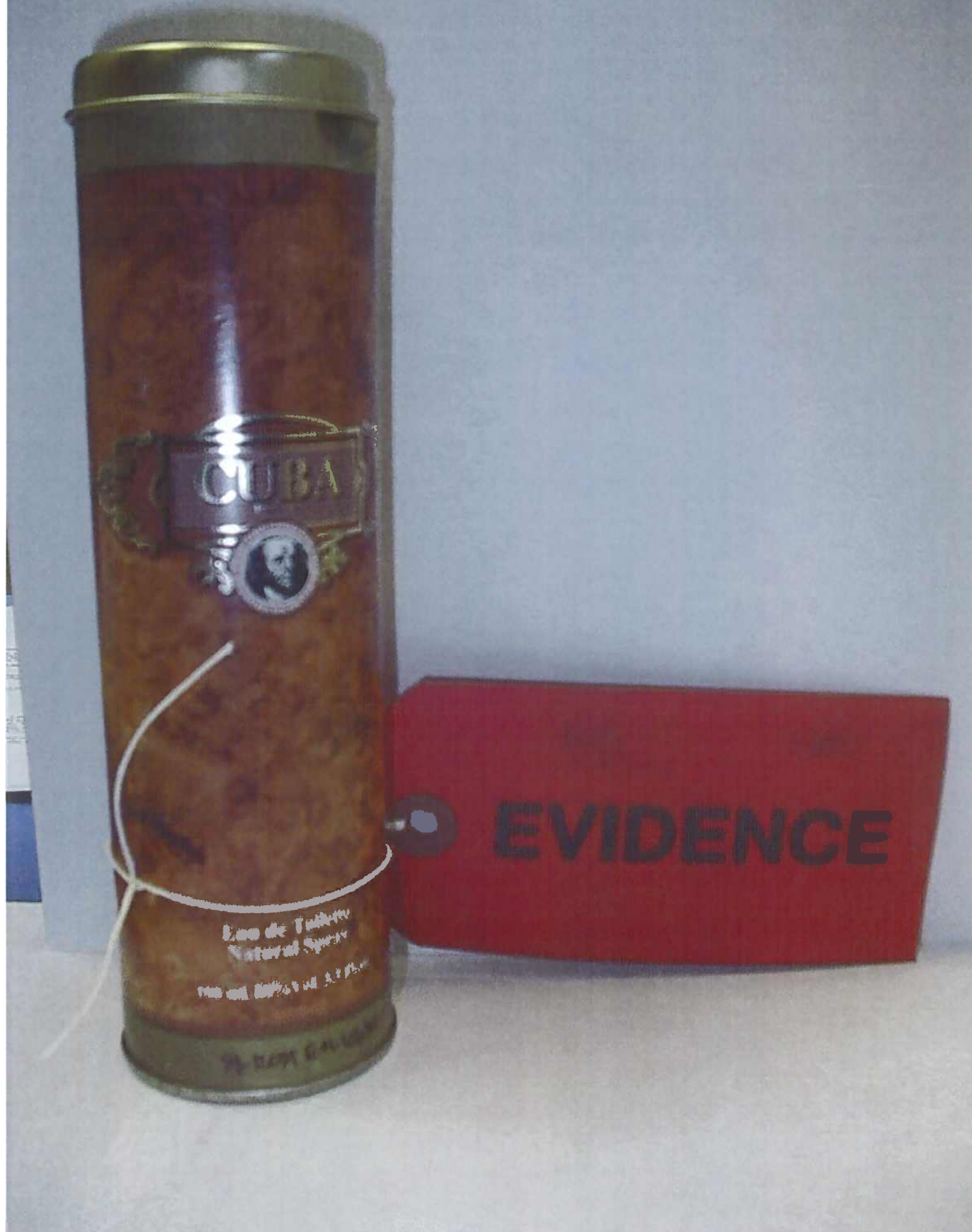
FURTHER DECLARANT SAYETH NAUGHT.

Dated this 22 day of April, 2008.

Eddy Maaz

A large, stylized handwritten signature in black ink, appearing to read 'Eddy Maaz', is written over a horizontal line.









STEVE ASNANI
President

Orkay Enterprises Inc.

IMPORT & EXPORT
of Perfumes & Colognes

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